

AUG 17 2005

PATENT

IBM/260  
Confirmation No. 8620**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Daniel Joseph Buerkle et al.      Art Unit: 2672  
Serial No.: 10/728,347      Examiner: Daniel J. Chung  
Filed: December 4, 2003      Atty. Docket No.: IBM/260  
For: IMAGE SCALING EMPLOYING HORIZONTAL PARTITIONING

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**AMENDMENT AND RESPONSE**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 17, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 10 of this paper.

08/18/2005 AAD0F01 00000021 233000 10728347  
01 FC:1201 400.00 DA

Page 1 of 12  
Serial No. 10/728,347  
Amendment and Response dated August 17, 2005  
Reply to Office Action of May 17, 2005  
IBM Docket ROC920030197US1  
WH&E IBM/260  
K:\ibm\260\Amendment and Response re 5-17-05 OA.wpd

AUG 17 2005

**WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.  
KRISTI L. DAVIDSON

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
WEBSITE: www.whopatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1938-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD  
KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.  
OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

August 17, 2005

**FACSIMILE COVER SHEET**

To: Examiner Daniel J. Chung  
Art Unit 2672  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 10/728,347  
Filed: December 4, 2003  
Applicant: Daniel Joseph Buerkle et al.  
Art Unit: 2672  
Confirmation No.: 8620  
Our Ref: IBM/260

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile  
Transmission and Authorization to Charge  
Deposit Account 23-3000 in the amount of  
\$400.00 for Additional Independent Claims  
Fees (2 pages)  
Amendment and Response (12 pages)

Pages: 15 (including cover sheet).

**MESSAGE/COMMENTS  
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (15 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Daniel J. Chung, Art Unit 2672, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-8300 on August 17, 2005.

*Judith L. Volk*  
Judith L. Volk

*August 17, 2005*  
Date

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If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

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AUG 18 2005

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## PATENT

Att'y Docket No. IBM/260/124  
Confirmation No. 8620**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (15 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Daniel J. Chung, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on August 17, 2005.

*Judith L. Volk*  
Judith L. Volk

*August 17, 2005*  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Joseph Buerkle et al. Art Unit: 2672  
Serial No.: 10/728,347 Examiner: Daniel J. Chung  
Filed : December 4, 2003  
For : IMAGE SCALING EMPLOYING HORIZONTAL PARTITIONING

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	23	minus	27	0	\$50	\$0.00
Independent Claims	5	minus	3	2	\$200	\$400.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$400.00

- ☐ No additional fee for claims is required.

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Serial No. 10/728,347  
Transmittal for Amendment of August 17, 2005  
IBM Docket: ROC920030197US1  
WH&E IBM/260

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$400.00.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
Scott A. Stinebruner  
Reg. No. 38,323

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

**Enclosed:**

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit  
Account 23-3000 in the amount of \$400.00 for Additional Independent Claims Fees (2 pages)  
Amendment and Response (12 pages)